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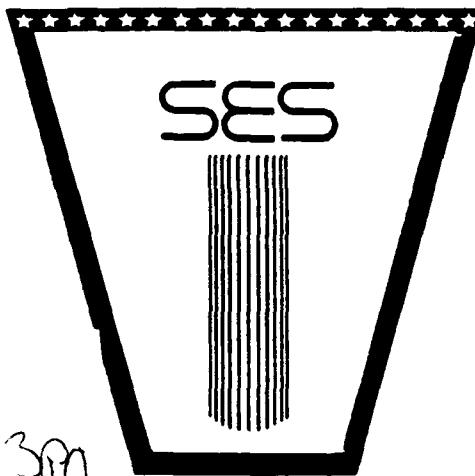
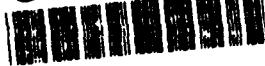
DOD 1402.3-H
Chapter 2

Director of Administration and Management
Office of the Secretary of Defense
(703) 697-8304

SENIOR EXECUTIVE SERVICE

Executive Staffing

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AUG 05 1993
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Office of the Secretary of Defense, OSD Field Activities,
Organization of the Joint Chiefs of Staff, the U.S. Court of
Military Appeals, the U.S. Mission to NATO, and the Defense Agencies

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SENIOR EXECUTIVE SERVICE
EXECUTIVE STAFFING

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Senior Executive Service Handbook

Chapter 2

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OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

COMPTROLLER
(Administration)

DoD 1402.3-H
Chapter 2

FOREWORD

The Senior Executive Handbook is issued under the authority of DoD Directive 1402.3, "Administration of the Senior Executive Service Program in the Office of the Secretary of Defense and Defense Agencies," August 16, 1984.

The purpose of this chapter is to provide information concerning the executive staffing process for the Senior Executive Service (SES).

This chapter applies to the Office of the Secretary of Defense (OSD), DoD field activities, the Organization of the Joint Chiefs of Staff (OJCS), the Office of the Inspector General (OIG), the Defense Agencies (except the National Security Agency/Central Security Service and the Defense Intelligence Agency), the U.S. Court of Military Appeals (USCOMA), and the U.S. Mission to the North Atlantic Treaty Organization (NATO).

This chapter is effective immediately, and its use is mandatory.

Send recommended changes through channels to the following:

SES and Classification Division
Directorate for Personnel and Security
Washington Headquarters Services
Room 38347, The Pentagon
Washington, D.C. 20301-1155

Copies may be obtained from OSD Publications, Room 38960, The Pentagon.

D. O. Cooke
D. O. Cooke
Deputy Assistant Secretary of Defense

REFERENCES

- (a) Public Law 95-454, "Civil Service Reform Act of 1978," October 13, 1978
- (b) Federal Personnel Manual Bulletin 920-25, "SES Merit Staffing," August 1, 1979
- (c) DoD Directive 1442.2, "Personnel Actions Involving Civilian Attorneys," June 26, 1967
- (d) Federal Personnel Manual Bulletin 920-32, "Certification of Executive Qualifications by Qualifications Review Boards," November 28, 1979
- (e) Administrative Instruction No. 37, "Employee Grievances," August 12, 1981
- (f) Title 5, United States Code, Section 2302
- (g) Administrative Instruction No. 9, "Processing Complaints of Discrimination," January 11, 1979
- (h) DoD Directive 5400.7, "DoD Freedom of Information Act Program," March 24, 1980

CHAPTER 2

EXECUTIVE STAFFING

A. GENERAL

1. This chapter combines into one unit information available in a variety of sources concerning the merit staffing process for the Senior Executive Service (SES) and related information. It is intended to provide both an overview of the merit staffing requirements in the Civil Service Reform Act of 1978 (reference (a)), FPM Bulletin 920-25 (reference (b)), and various Office of Personnel Management issuances, as well as a description of practices and procedures related to the hiring and placement of executive personnel.

2. Although the merit staffing procedures are not uniform throughout OSD and the Defense Agencies, most aspects of the recruitment/placement process follow a general pattern. A discussion of the responsibilities and functions of the Office of the Secretary of Defense Executive Resources Board (OSD ERB) and the Inter-Defense Agency Executive Resources Board (IDA ERB) is contained in Chapter 1, Executive Resources Boards. Additional information or a clarification of these procedures may be obtained from the servicing personnel office.

3. As provided by DoD Directive 1442.2 (reference (c)), all requests for personnel actions involving SES attorney positions will be coordinated/approved by the Department of Defense General Counsel/Director, Defense Legal Services Agency (DLSA) prior to submission to the Deputy Assistant Secretary of Defense (Administration) (DASD(A)) for action.

B. DEFINITIONS

1. Types of SES Positions

a. Career Reserved. A position which is required to be filled by a career appointee to insure impartiality, or the public's confidence in the impartiality of the Government.

b. General. Any position other than a career reserved position. A general position may be filled by a career, noncareer, limited term, or limited emergency appointee. Career employees in general positions have the same status as career employees in career reserved positions.

2. Types of Appointees

a. Career Appointee. An individual in SES whose appointment to the position or previous appointment to another SES position was based on approval by the Office of Personnel Management Qualifications Review Board (OPM QRB) of the executive qualifications of such individual or an individual who converted to an SES career appointment when the SES was first established.

b. Noncareer Appointee. An SES appointee who is not on a career, limited term, or limited emergency appointment. A noncareer appointee may be removed from the service at any time.

c. Limited Emergency Appointee. An individual appointed under a nonrenewable appointment for a period not to exceed 18 months to a position established to meet an unanticipated urgent need.

d. Limited Term Appointee. An individual appointed under a non-renewable appointment for a term of three years or less to an SES position the duties of which will expire at the end of such term.

3. Agency. Collectively the Office of the Secretary of Defense (OSD), DoD field activities, the Organization of the Joint Chiefs of Staff (OJCS), the Office of the Inspector General (OIG), the U.S. Mission to the North Atlantic Treaty Organization (NATO), the U.S. Court of Military Appeals (USCOMA), the Defense Advanced Research Projects Agency (DARPA), the Defense Audiovisual Agency (DAVA), the Defense Security Assistance Agency (DSAA), and the Defense Legal Services Agency (DLSA).

4. Defense Agencies

- a. Defense Communications Agency (DCA).
- b. Defense Contract Audit Agency (DCAA).
- c. Defense Investigative Service (DIS).
- d. Defense Logistics Agency (DLA).
- e. Defense Mapping Agency (DMA).
- f. Defense Nuclear Agency (DNA).

5. Employing Organization

- a. Each of the six Defense Agencies.
- b. OSD (includes all other components listed under "Agency").

6. Executive Resource Board (ERB) Jurisdiction

a. OSD ERB. Responsible for merit staffing functions in OSD, DoD field activities, OJCS, OIG, U.S. Mission to NATO, USCOMA, DARPA, DSAA and the civilian Defense Agencies (civilian Director and Deputy Director positions, General Counsel positions, and other positions as designated).

b. IDA ERB. Responsible for DCA, DCAA, DIS, DLA, DLSA, DMA and DNA.

C. ESTABLISHING SES POSITIONS

1. Obtaining Approval. Before initiating any recruitment action, OSD components and Defense Agencies must receive position establishment approval from the DASD(A).

2. SES Position Criteria. Positions are designated SES positions when they are classifiable at least to the GS-16 level of the General Schedule and not designated above Level IV of the Executive Schedule, or equivalent; they are not required to be filled by an appointment by the President by and with the advice and consent of the Senate; and they meet one or more of the following managerial criteria:

a. Direct the work of an organizational unit. This includes responsibility for organizing the unit, planning its operation, determining staff and budget needs, managing human resources, and accomplishing organizational goals.

b. Supervise the work of employees other than personal assistants. (See the supervisory definition in the Supervisory Grade Evaluation Guide which is available for review in the servicing personnel office.)

c. Held accountable for the success of one or more specific programs or projects. This includes accountability for the quality, quantity, and timeliness of the work of the unit, as well as the effective use of resources.

d. Set goals for meeting the unit's responsibilities and for carrying out instructions from higher management, monitor progress toward those goals, and make adjustments as required.

e. Exercise other important policy-making, policy-determining, or other executive functions which directly relate to organizational and managerial effectiveness.

f. Serve as "Deputy" and "Assistant" when the duties shared with the head of the unit are described by one of the above factors.

3. Position Establishment Procedures

a. New Positions:

(1) Except as indicated, organizations having a new position requirement will submit the following documentation to the Director of Personnel and Security, Washington Headquarters Services (WHS):

(a) Position Description (OF-8), signed Request for Personnel Action (SF-52), and qualifications standard incorporating managerial competencies. Defense Agencies listed in subsection B.4. need not submit the SF-52.

(b) Cover memorandum to DASD(A) identifying the position plus an evaluation statement/report.

(c) Identification of the SES resource to be used (or justification for request for an additional space).

(d) Request for certification of the position as an SES requirement.

(e) Organization chart, mission and function statement, as appropriate.

(f) Defense Agencies with a servicing personnel office must submit an evaluation that includes the following:

1 Discussion of series and title selection.

2 Rationale and recommendation for designation of the position as Career Reserved or General.

3 Using the appropriate classification standard, evidence that the position is properly classifiable at least to the GS-16 level. The Guide for Appraisal of Scientific Positions should not be used as the sole source for determining the grade level.

4 Evidence that the position meets the managerial criteria contained in Section 3132(a)(2) of Pub. L. 95-454 (reference (a)).

(2) Positions will be reviewed for classification, position designation, and position management purposes by the responsible SES and Classification Division Specialist, WHS, who will prepare a recommendation memorandum for the DASD(A) to be signed by the Director of Personnel and Security, WHS.

b. Positions Previously Existing at the GS-15 Level

(1) Organizations requesting the placement of existing GS-15 positions in the SES should submit the following:

(a) For positions without major changes, all items as in subsection 3.a. and justification for change in level.

(b) For positions with major changes, all items as in subsection 3.a., justification for change in level, and identification of source of additional responsibilities.

(2) Positions will be reviewed for classification, position designation, and position management purposes, and a recommendation prepared for DASD(A) approval. Although a GS-15 incumbent may have been performing duties now classified as an SES position, a "noncompetitive promotion" to the SES is not permissible. Initial entry into the SES is by appointment only since the SES represents a separate personnel system distinct from the competitive and excepted services.

c. Recertifications

(1) Except as indicated, organizations having SES vacancies should submit the following documentation for each position to the Director of Personnel and Security, WHS.

(a) Updated position description, new (signed) OF-8, signed SF-52, and qualifications standard incorporating managerial competencies. Defense Agencies listed in subsection B.4. need not submit the SF 52.

(b) Identification of previous incumbent, nature of separation, and date of separation.

(c) Request for recertification as SES position.

(d) Organization chart, mission and function statement, as appropriate.

(2) Positions are reviewed for continued designation as SES. A staff member of the SES and Classification Division prepares a recommendation for the Director, Personnel and Security, WHS, who is authorized to approve recertification requests.

D. CAREER APPOINTMENTS

1. Competitive. Competitive recruitment for career appointment to an established SES position (designated as either Career Reserved or General) typically involves the following steps:

a. Upon certification or recertification of the position as SES, the servicing personnel office will assist the supervisor in the development of a recruitment plan, including minority and female affirmative action recruitment efforts.

b. The servicing personnel office will forward an SES Candidate Pool list to the supervisor. This is a listing of DoD employees who have successfully completed an approved Candidate Development Program and have had their managerial qualifications certified by an OPM QRB. If selection is made from this list, no further competitive procedures need be followed. If no selection is made from the list, standard competitive procedures are followed. The supervisor, however, may request that candidates from this list be contacted and invited to apply for consideration under competitive procedures. If these candidates apply, they are rated in the same manner as other applicants.

c. The servicing personnel office will forward the current OPM Priority II referral listing. This is a listing of SES career appointees whose positions have been declared surplus by their employing agency and who, therefore, are in risk of separation by reduction in force (RIF). If selection is made from the Priority II referral listing, the appointment would be by transfer and no further competitive procedures need be followed. Selection from the Priority II referral listing is not mandatory. (Note:

When an SES career appointee receives formal notification of RIF action, he or she moves to Priority I and is entitled to placement in a vacant SES position for which qualified in any agency.)

d. Subsequently, the servicing personnel office will do the following:

(1) Develop the vacancy announcement. The area of consideration is All Qualified Eligibles. Announcements are normally open for a minimum of 30 days.

(2) Forward pertinent information to OPM for inclusion in that office's listing of SES vacancy announcements.

(3) Arrange for receipt and screening of applications.

(4) Arrange for the evaluation of applications by a Technical Evaluation Panel or an ad hoc Merit Staffing Committee. Provide advisory services to the panel or committee as appropriate. A discussion of the membership, responsibilities, and operations of these panels and committees is included in Chapter 1, Executive Resources Boards.

e. A certificate of "best qualified" applicants is prepared (see Chapter 1) and forwarded to the selecting official.

f. After receiving the certificate, the selecting official interviews as appropriate, and makes a selection from among the group referred. It should be noted that if the supervisor is unable to make a selection from among those referred, the "best qualified" certificate may not be subsequently expanded without consent of the ERB members involved. Certificates are valid for 60 days only; extensions, in unusual circumstances, must be requested in writing and approved by the DASD(A).

g. Selecting official returns the certificate to the servicing personnel office, together with a memorandum setting forth reasons for the selection and a recommendation on the initial pay level.

h. DASD(A) approval of professional/technical qualifications and pay level (except as noted) is required. (As indicated in Chapter 3, Executive Pay-Setting, recommendations for pay levels above ES-4 require approval by the Deputy Secretary of Defense or designee.)

i. Upon receipt of all internal approvals, the SES Division, WHS will take action to secure OPM QRB certification of the selectee's executive/managerial qualifications. "Managerial competencies," which must be demonstrated, are outlined in FPM Bulletin 920-32 (reference (d)) and appear in all agency SES vacancy announcements.

j. Upon QRB approval, appointments are processed as administratively feasible.

k. The servicing personnel office will notify the unsuccessful candidates.

2. Non-Competitive

a. A variety of alternatives to competitive staffing procedures are available to managers wishing to make career appointments. These include the following:

- (1) Reassignment of a current SES career member from within the OSD-serviced components or Defense Agencies.
- (2) Transfer of a current SES career member from another government agency (including Military Departments).
- (3) Reinstatement of an employee who left the SES after acquiring SES reinstatement eligibility.
- (4) Selection from SES Candidate Pool listing. (See D.1.b.)
- (5) Selection from OPM Priority II referral listing. (See D.1.c.)

b. Except as noted, all of the noncompetitive alternatives listed under paragraph D.2.a. require DASD(A) approval of the individual's professional/technical qualifications. Such approval is not required in the case of a reinstatement of a former Presidential appointee to the SES position previously held within 90 days of the date of separation from the Presidential appointment. DASD(A) approval of the individual's professional/technical qualifications, however, is required for reassignments due to a redescription of duties or changes in responsibilities, a substantial change in qualifications standards, or a reorganization resulting in a new position and/or changes in overall functional responsibilities or organizational level.

c. Requests for approval of a noncompetitive action will be forwarded to the DASD(A) through the Director of Personnel and Security, Washington Headquarters Services, and should include: copies of a current position description (OF-8) and qualifications standards, a copy of the individual's application; and a memorandum, signed by the appropriate OSD Component Head, or Defense Agency Director, indicating the reasons for selecting the individual and the proposed SES pay level.

d. A career SES member may be noncompetitively reassigned, within OSD and the Defense Agencies to any SES position for which qualified. By contrast, a noncareer member may be reassigned only to another General position. (For further information see Chapter 6, Reassignments and Transfers.)

3. Other Actions. The following do not require DASD(A) approval, but require approval by the Director of Personnel and Security, WHS:

- (a) Position title changes or current updates not involving substantial change in duties, responsibilities, or qualifications standards.
- (b) Interchange of two SES individuals in accordance with an approved individual development plan.

(c) Reassignments or transfers resulting from an approved transfer of functions.

E. NONCAREER, LIMITED TERM, AND LIMITED EMERGENCY APPOINTMENTS

Appointees may be assigned only to positions designated as General.

1. Noncareer Appointments

a. The total number of noncareer appointees in all agencies may not exceed 10% of the total number of SES positions in all agencies. The Department of Defense receives an allocation of noncareer appointment authorities annually from OPM.

b. Noncareer appointments, although not requiring competitive selections or ERB or QRB approvals, require approval of the individual's qualifications, SES pay level, and use of noncareer authority by the Secretary of Defense or his designee. This approval is obtained by memorandum submitted through the DASD(A).

2. Limited Term and Limited Emergency Appointments

a. Must meet the criteria provided in C.2.

b. Total number of limited term and limited emergency appointees in all agencies may not exceed 5% of the total number of SES positions in all agencies. Therefore, OPM approval is required prior to using these appointing authorities.

c. DASD(A) approval of technical qualifications and SES pay level, except as noted, is required. As specified in Chapter 3, Executive Pay-Setting, recommendations for pay levels above ES-4 require approval by the Deputy Secretary of Defense or designee. Requests for approval are submitted through the Director of Personnel and Security, WHS.

F. APPLICANT INQUIRIES

1. Upon written request to the Executive Secretary of the ERB, any applicant for a vacancy will be furnished the name of the selecting official, the individual selected, and the following information:

- a. The qualifications requirements, including desirable as well as essential elements.
- b. Whether he or she was eligible for the position.
- c. Whether he or she was referred to the selecting official for consideration for appointment.
- d. The nature of the procedures used in recruiting and selecting candidates for the particular position.

e. Qualification questionnaires or reports on qualifications inquiries about themselves.

2. Upon written request to the Executive Secretary of the ERB, applicants will be furnished full information regarding the nature of the procedures used in recruiting and selecting candidates for any particular position.

3. The Executive Secretary will reply to routine inquiries; the Chair of the OSD Merit Staffing Committee or the Chair of the IDA ERB will reply to inquiries, as appropriate.

G. APPEALS

1. There is no appeal by applicants to the Office of Personnel Management against actions taken by an ERB or by appointing officials.

2. Complaints of civilian employees arising out of the SES merit staffing operation will be handled in accordance with prescribed agency grievance procedures. For organizations listed in B.3. see Administrative Instruction No. 37 (reference (e)). A grievance concerning a particular act or occurrence must be presented within 15 calendar days of that act or occurrence, or of the date the employee became aware of it. (Only civilian employees covered by an agency's grievance procedures can file such a grievance.)

3. Allegations of any personnel action which comes under the prohibited personnel practices provisions of 5 U.S.C. 2302 (reference (f)), i.e., discrimination, whistleblowing (including disclosure of information), or political reprisal, may be made to the Special Counsel of the Merit Systems Protection Board.

4. Complaints of unlawful discrimination may be made in accordance with agency procedures. For organizations listed in B.3., see Administrative Instruction No. 9 (reference (g)). Such complaints must be brought to the attention of the counselor within 30 calendar days of the date of the action giving rise to the complaint.

5. Requests for information pursuant to the provisions of the Freedom of Information Act will be handled in accordance with DoD Directive 5400.7 (reference (h)).

H. DOCUMENTATION AND RECORDS

As a minimum, minutes of all ERB meetings, and records of each competitive action will be maintained by the servicing personnel office for two years after an SES career appointment is made.